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SEP 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 10, 1998

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BY HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

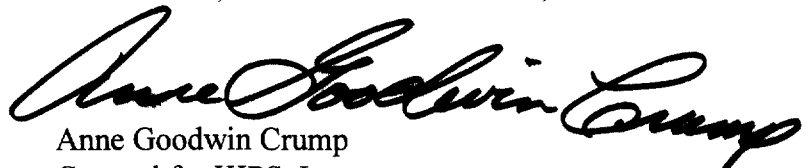
**Re: Petition for Rule Making
Amendment of FM Table of Allotments
Arthur, ND and Crookston, MN**

Dear Ms. Salas:

Transmitted herewith, on behalf of KIPS, Inc., licensee of Station KOCL(FM), Arthur, North Dakota, are an original and four copies of a Petition for Rule Making to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments to provide for an upgrade for KOCL(FM).

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.


Anne Goodwin Crump
Counsel for KIPS, Inc.

AGC:jpg
Enclosures

cc: Mr. Henry A. Straube (w/encl.)
Mr. James Ballis (w/encl.)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

SEP 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM DOCKET NO. _____
Table of Allotments, FM Broadcast Stations.) RM- _____
(Arthur, North Dakota))

Directed to: Chief, Allocations Branch

PETITION FOR RULE MAKING

KIPS, Inc. ("KIPS"), licensee of KOCL(FM), Arthur, North Dakota, by its attorneys, hereby requests that the Commission amend Section 73.202(b) of its Rules, the Table of Allotments for FM Broadcast Stations, to substitute Channel 242C3 for Channel 244A at Arthur, and that the Commission modify the license for KOCL(FM) to reflect the new, upgraded channel. In order to accommodate this change, KIPS also requests that Channel 240C1 be substituted for Channel 241C1 at Crookston, Minnesota, and that the license for KQHT(FM) be modified to specify the new channel. Finally, in order to accommodate the channel substitution at Crookston, KIPS requests that the Commission co-ordinate with the Canadian government to find an alternate channel for the vacant allotment of Channel 240A at Sainte Anne, Manitoba.

With respect thereto, the following is submitted:

1. KIPS proposes herein to upgrade KOCL(FM) from Channel 244A to second-adjacent channel 242C3. As set forth in the attached Engineering Exhibit, this upgrade can be accomplished in compliance with the Commission's rules governing signal strength coverage of the community of license and spacing, with one exception. Specifically, in order to

accommodate the proposed change, it will be necessary to specify an alternate, equivalent channel for KQHT(FM), Crookston, Minnesota. To that end, Channel 240C1 may be substituted for Channel 241C1 at Crookston, and the license for KQHT(FM) should be modified to specify operation on the new channel. The proposed substitution of channels at Crookston also may be made in accordance with the Commission's rules and policies, with the exception of one short-spacing to the vacant Canadian allotment on Channel 240A at Sainte Anne, Manitoba. This short-spacing also may be cured by the substitution of an alternate channel or the deletion of Channel 240A at Sainte Anne. Accordingly, KIPS requests that the Commission co-ordinate with the Canadian government to resolve this matter through a channel substitution.

2. In summary, the proposed changes to the FM Table of Allotments are as follows:

<u>Community</u>	<u>Current Channel</u>	<u>Proposed Channel</u>
Arthur, North Dakota	244A	242C3
Crookston, Minnesota	241C1, 246C1	240C1, 246C1
Sainte Anne, Manitoba	240A	Canadian substitution or deletion

3. The amendments to the FM Table of Allotments proposed herein clearly will serve the public interest. Through upgrading the KOCL facilities, KIPS will be able to provide increased and improved service to its community and the surrounding area. The upgrade will allow KOCL both to increase its service area to provide service to new listeners and to provide better service to listeners in its existing community of license due to the increase in signal strength. As set forth in the attached Engineering Exhibit, the current KOCL 60 dBu contour encompasses an area of 2,510 square kilometers and serves a population of 6,843. As a result of the proposed upgrade, KOCL will be able to increase the area served to 4,749.3 square kilometers and the

population served to 16,601. This change represents a 143 percent increase in the population within the station's service area. Clearly such a great increase would serve the public interest.

4. Furthermore, no party will be adversely affected by the proposed changes. The substitution of Channel 240C1 for Channel 241C1 will provide KQHT(FM) with a channel equivalent to that on which it is now operating. Moreover, the fact that the proposed substitution is on a first adjacent channel will minimize any potential disruption to KQHT(FM) or its listeners. KIPS hereby affirms that it will reimburse the licensee of KQHT(FM) for its reasonable expenses incurred due to the proposed change in channel.

5. Additionally, since the allotment at Sainte Anne is now vacant, no party will be harmed by the substitution of a new channel for the current channel or the deletion of that channel. The fact that the allotment is vacant also indicates a limited interest in the channel. KIPS therefore requests that the Commission's International Branch initiate and carry out negotiations with the Canadian government to substitute a new channel for the current Class A allotment at Sainte Anne.


6. KIPS is anxious to upgrade the facilities of KOCL(FM) so that it may provide new and improved service to Arthur and the surrounding area. Upon adoption of the proposed amendments to the Table of Allotments, KIPS will promptly file an application seeking a construction permit for the upgraded facilities and, upon grant of that application, will expeditiously construct and place into operation the new facilities.

WHEREFORE, the premises considered, KIPS respectfully requests that the Commission amend the FM Table of Allotments to substitute Channel 242C3 for Channel 244A at Arthur and modify KOCL(FM)'s license accordingly, to substitute Channel 240C1 for Channel 242C1 at

Crookston and modify KQHT(FM)'s license accordingly, and to negotiate with the Canadian government a substitute channel for the vacant allotment of Channel 240A at Sainte Anne or the deletion of that channel.

Respectfully submitted,

KIPS, INC.

By: 
Frank R. Jazzo
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

September 10, 1998

ENGINEERING EXHIBIT

PETITION FOR RULEMAKING

TO AMEND THE
TABLE OF FM ALLOTMENTS

KOCL, Arthur, North Dakota

Upgrade From Class A to C3

August 26, 1998

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TABLE OF CONTENTS

1) Copyright Notice, Agreement and Disclaimer

2) Engineer's Qualifications Affidavit

3) Narrative Statement

4) Engineering Exhibits:

E-1, Allocation/Spacing Criteria, KOCL, Channel 242C3

E-2, Map, Proposed Reference Coordinates

E-3, Allocation/Spacing Criteria, KQHT, Channel 240C1

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All statements, calculations and exhibits have been prepared to be in compliance with all known FCC rules, policies and procedures in effect at the time of preparation. The applicant agrees to comply with all statements and representations contained herein, at such time as the proposed facilities are constructed.

Commsulting, Inc. or its employees assume no liability for any errors and omissions in the information hereby provided, and shall not be liable for any injuries or damages (consequential or otherwise) which may result from the use of the information contained herein.

The filing of this engineering statement with the FCC constitutes acceptance of these terms and conditions by KOCL.

AFFIDAVIT

HENNEPIN COUNTY

STATE OF MINNESOTA

SS:


GEORGE H. WERL, JR., being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

That he is President of Commsulting, Incorporated, a Minnesota corporation;

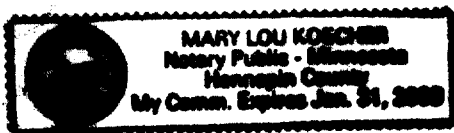
That Commsulting, Incorporated has been retained by KOCL, to prepare this engineering statement pursuant to amending the FM Table of Allotments at Arthur, North Dakota, allocating Class C3 in place of Class A facilities;

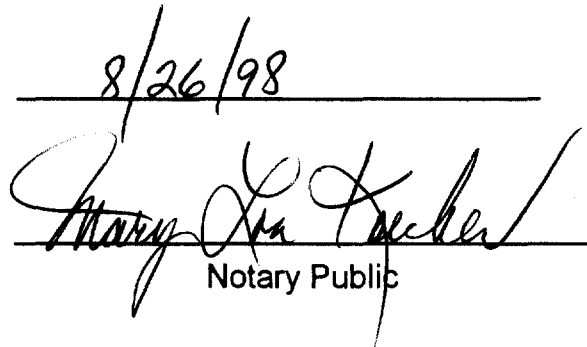
That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement and that the facts stated in this engineering statement are true of his knowledge, except as to such statements as are herein stated to be on information and belief, and to such statements he believes them to be true.


George H. Werl, Jr.

Subscribed and sworn to before me on

8/26/98




Notary Public

My Commission expires

1/31/00

PETITION FOR RULEMAKING TO AMEND THE TABLE OF FM ALLOTMENTS

KOCL, Arthur, North Dakota

Upgrade From Class A to C3

NARRATIVE STATEMENT: This engineering statement and exhibits have been prepared by George H. Werl, Jr., President of Commsulting, Inc., on behalf of KOCL, Arthur, North Dakota, in accordance with the Rules and Regulations of the Federal Communications Commission pursuant to amending the FM Table of Allotments at Arthur, North Dakota..

KOCL is presently authorized to operate on channel 244A. This proposal requests the allocation of channel 242C3 at Arthur, North Dakota in lieu of Channel 244A, and further requests modification of the license for KOCL to operate on the upgraded allotment. As coexistence of both channels 244A and 242C2 would be precluded under FCC Rules section 73.207, deletion of channel 244A is also proposed.

In order to make channel 242C3 available at Arthur, North Dakota under the spacing requirements of FCC Rules 73.207, an equivalent channel must be found for KQHT, Crookston, Minnesota. Channel 240C1 is a suitable replacement, assuming that a conflict with a (as yet unbuilt) Canadian allocation at Sainte Anne, Manitoba, channel 240A could be resolved. It is therefore proposed that channel 240C1 be substituted for channel 241C1 at Crookston, Minnesota, and the license for KQHT be modified to reflect this change pending successful resolution of the Sainte Anne, Manitoba allocation.

Resolution of the conflict with the unbuilt allocation at Sainte Anne, Manitoba will require coordination with the Canadian Government. Therefore, it is requested that the Federal Communications Commission International Branch make the proper inquiries with the Canadian government to initiate discussions pursuant to modification of the Canadian

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Table of FM Allotments to secure a suitable replacement Canadian class A allocation at Sainte Anne, Manitoba. To summarize these proposed changes:

*Substitution of channel 242C3 in lieu of 244A at Arthur, North Dakota;
Substitution of channel 240C1 in lieu of 241C1 at Crookston, Minnesota;
Canadian substitution for channel 240A at Sainte Anne, Manitoba.*

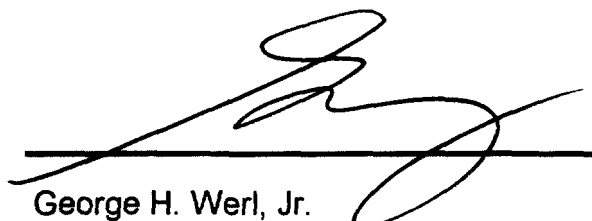
Given the above changes in the United States and Canadian Table of Allotments, ample area exists to construct a fully spaced class C3 facility serving Arthur, North Dakota. Engineering Exhibit E-1 provides a tabulation of licensed and proposed facilities that could restrict the allocation. The selected reference coordinates are fully spaced to all licensed and proposed FM Broadcast stations and allocations. These reference coordinates are

47° 10' 27" North Latitude 97° 17' 33" West Longitude

and are some 9.4 kilometers Northwest of the city of Arthur. From this location, a 70 dBu or greater signal can be placed over the entire city of license. Engineering Exhibit E-2 depicts the reference coordinates and the relationship to the city of license. The present KOCL class A facilities encompass 2510.9 square Kilometers within the 60 dBu contour, serving a population of 6,843 (1990 census). Construction of class C3 facilities at the reference coordinates would place 4749.3 square Kilometers within the 60 dBu contour with a projected population of 16,601, more than doubling the present population served.

Engineering Exhibit E-3 provides a tabulation of the spacing requirements with the substitution of channel 240C1 for 241C1 at Crookston, Minnesota (assuming the resolution of the Sainte Anne, Manitoba conflict with the Canadian Government).

Following favorable consideration of this petition and approval of the changes to the Table of FM Allotments proposed herein, KOCL will file a timely application for permit to construct upgraded class C3 facilities. Further, KOCL agrees to reimburse KQHT for the normal and cursory expenses incurred in changing from channel 241C1 to channel 240C1.



George H. Werl, Jr.
President, Commsulting, Inc.

ENGINEERING EXHIBIT E-1

Proposed KOCL, Upgrade Channel 242C3

Allocation/Spacing Criteria

Reference Coordinates: **47° 10' 27" N 97° 17' 33" W**

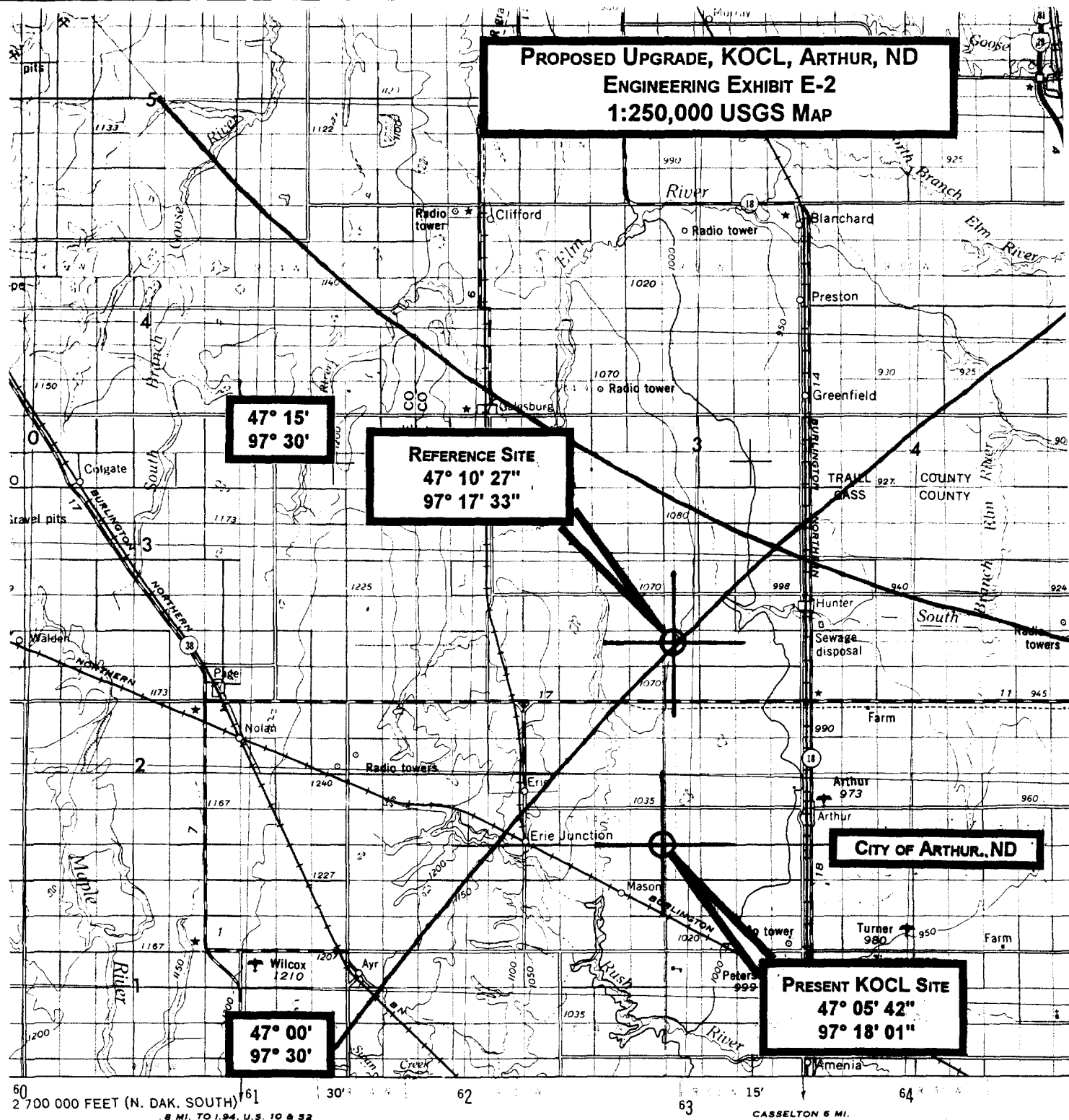
The proposed reference coordinates are fully spaced with all existing and proposed FM Broadcast facilities under FCC Rules section 73.207.

Call City of License	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
KNDK-FM Langdon	LIC	KNDK, Inc. ND BMLH-920330KB	239A 95.7	6 100	48-45-18 98-21-38	336.1 155.3	193.0 151.0	42 CLEAR
K240CJ Oakes	LIC	Oakes Community Christia ND BLFT-930723TB	240FT 95.9	.050 30	46-05-15 98-05-47	207.2 26.6	135.6 93.58	42 CLEAR
KQHT Crookston	LIC	Iowa City Broadcasting C MN BLH-850913KA	240C1 95.9	100 126	47-50-43 96-50-22	24.3 204.7	82.05 6.05	76 CLOSE
PROPOSED SUBSTITUTION								
KQHT Crookston	LIC	Iowa City Broadcasting C MN BLH-850913KA	241C1 96.1	100 126	47-50-43 96-50-22	24.3 204.7	82.05 -62.0	144 SHORT
PRESENT ALLOCATION - PROPOSED DELETION								
KARP Glencoe Fom channel 241C@	LIC	Waite Park Broadcasting MN BLH-961112KA	242C2 96.3	29.5 178	44-44-37 94-23-36	139.3 321.4	351.4 174.4	177 CLEAR
KJJK-FM Fergus Falls	LIC	Result Radio, Inc. MN BLH-811103AE	243C1 96.5	100 171	46-14-43 95-58-46	135.4 316.4	144.0 .0292	144 CLOSE
KOCL Arthur	LIC	KIPS, Inc. ND BLH-940426KW	244A 96.7	5 110	47-05-42 97-18-01	183.8 3.8	8.821 -33.2	42 SHORT
PRESENT ALLOCATION - PROPOSED DELETION								
KDLO-FM Watertown	LIC	Sorenson Broadcasting Co SD BLH-790226AB	245C 96.9	100 478	44-57-57 97-35-22	185.4 5.2	246.5 150.5	96 CLEAR
KKJR Dassel From channel 296A of Hutchinson, MN; TDF	ORD	North American Broadcast MN BPH-980101IF	295C3 106.9	7 169	45-02-43 94-33-32	137.3 319.3	317.3 303.3	14 CLEAR
KGWB Wahpeton	LIC	Guderian Broadcasting, I ND BLH-890602KB	296A 107.1	3 100	46-16-02 96-31-52	149.8 330.4	116.4 104.4	12 CLEAR

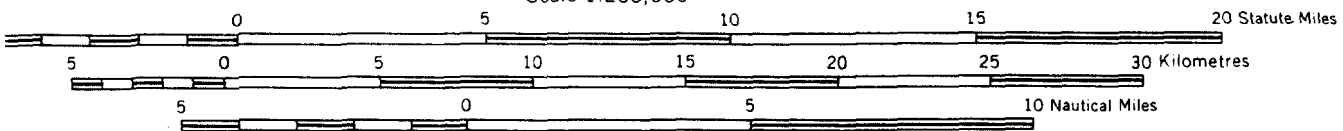
>> End of channel 242C3 study <<

NOTE: Entries for **KQHT** reflect substitution of channel 240C1 for 241C1.
Entry for **KOCL** channel 244A to be deleted following substitution of
channel 242C3 to KOCL at Arthur, North Dakota.

**PROPOSED UPGRADE, KOCL, ARTHUR, ND
ENGINEERING EXHIBIT E-2
1:250,000 USGS MAP**



Scale 1:250,000



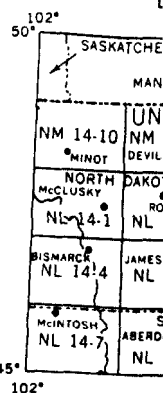
CONTOUR INTERVAL 50 FEET WITH
SUPPLEMENTARY CONTOURS AT 25 FOOT INTERVALS

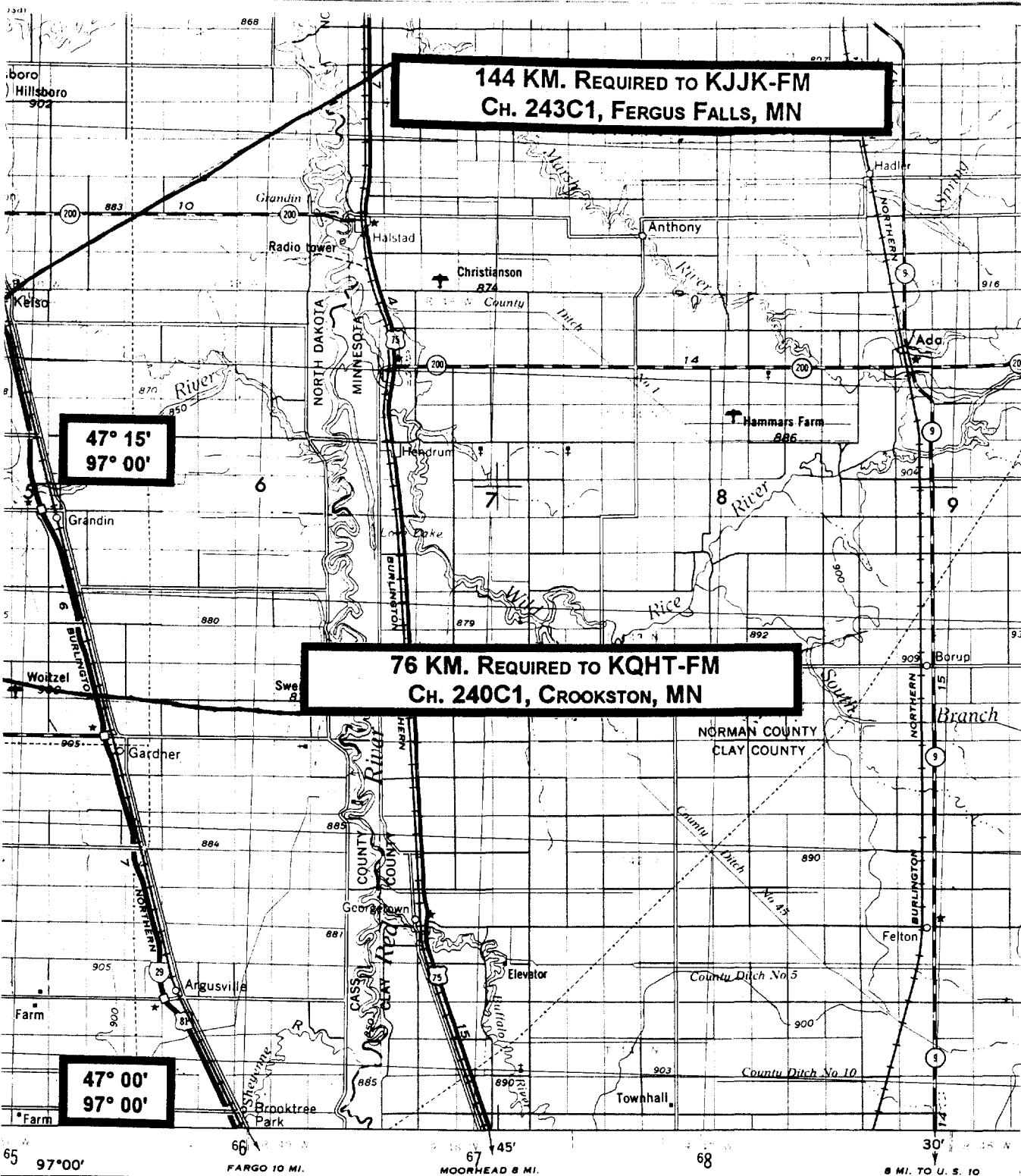
TRANSVERSE MERCATOR PROJECTION

BLACK NUMBERED LINES INDICATE THE 10,000 METRE UNIVERSAL TRANSVERSE MERCATOR GRID, ZONE 14

1975 MAGNETIC DECLINATION FROM TRUE NORTH VARIES FROM 9° (160 MILS) EASTERLY FOR THE
CENTER OF THE WEST EDGE TO 7° (120 MILS) EASTERLY FOR THE CENTER OF THE EAST EDGE.

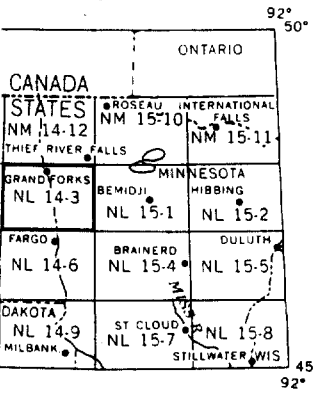
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092



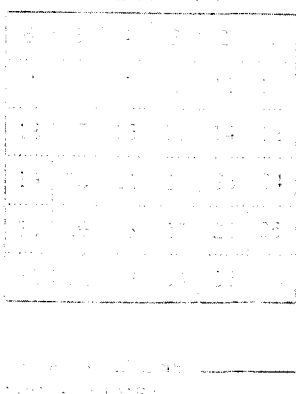


**PROPOSED UPGRADE, KOCL, ARTHUR, ND
ENGINEERING EXHIBIT E-2
1:250,000 USGS MAP**

LOCATION DIAGRAM



SECTION LABEL TOWNSHIP



GRID ZONE DESIGNATION 14T 100 000 M. SQUARE IDENTIFICATION			TO GIVE A STANDARD REFERENCE ON THIS SHEET TO NEAREST 1000 METRES								
<table><tr><td>NJ</td><td>PJ</td><td>QJ</td></tr><tr><td>NH</td><td>PH</td><td>QH</td></tr></table> <div>530</div> <div>60 70</div>			NJ	PJ	QJ	NH	PH	QH	SAMPLE POINT AERO BEACON		
NJ	PJ	QJ									
NH	PH	QH									
<div>1 Read letters identifying 100 000 metre square in which the point lies:</div> <div>2. Locate first VERTICAL grid line to LEFT of point and read LARGE figure labeling the line either in the top or bottom margin, or on the line itself</div> <div>Estimate tenths from grid line to point.</div> <div>3. Locate first HORIZONTAL grid line BELOW point and read LARGE figure labeling the line either in the left or right margin, or on the line itself</div> <div>Estimate tenths from grid line to point:</div>			PH	5	3						
IGNORE the SMALLER figures of any grid number; these are for finding the full coordinates. Use ONLY the LARGER figure of the grid number; example: 5210000				6	4						
SAMPLE REFERENCE			PH5364								
If reporting beyond 18° in any direction, prefix Grid Zone Designation, as			14TPH5364								

GRAND FORKS, N. DAK.; MINN.

1952
REVISED 1975

ENGINEERING EXHIBIT E-3

Proposed KQHT, Equivalent Channel 240C1

Allocation/Spacing Criteria

KQHT Site Coordinates: 47° 50' 43" N 96° 50' 22" W

The KQHT site coordinates are fully spaced with all existing and proposed FM Broadcast facilities under FCC Rules section 73.207.

Call City of License	Auth Licensee name St FCC File no.	Chan ERP-kW Freq EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
KVAG Rugby	CP Two Rivers Broadcasting, ND BPH-941219MB	237A 6 95.3 100	48-15-07 99-53-21	282.4 100.1	231.8 156.8	75 CLEAR
KKZY Bemidji	CP Paul Bunyan Broadcasting MN BPH-950713MF	238C1 100 95.5 161	47-22-18 94-52-56	109.0 290.5	156.3 74.30	82 CLEAR
KXGT Jamestown	LIC Two Rivers Broadcasting, ND BLH-840905DY	238C1 100 95.5 121	46-51-52 98-40-11	232.3 51.0	176.1 94.11	82 CLEAR
KNDK-FM Langdon	LIC KNDK, Inc. ND BMLH-920330KB	239A 6 95.7 100	48-45-18 98-21-38	312.5 131.4	151.6 18.56	133 CLEAR
KKOK-FM Morris	LIC Western Minnesota Broadc MN BLH-780101	239C1 100 95.7 110	45-36-11 95-53-14	163.4 344.1	259.7 82.67	177 CLEAR
K240BI Park Rapids	LIC Heartland Christian Broa MN BLFT-910429TA	240FT .030 95.9	46-55-49 95-02-15	126.2 307.5	169.9 -30.1	200 SHORT
TRANSLATOR ALLOCATION						
K240AR Devils Lake	LIC Lake Region Christian Br ND BLFT-830405MA	240FT .086DA 95.9	48-07-02 98-51-52	282.1 100.6	154.2 -45.8	200 SHORT
TRANSLATOR ALLOCATION						
ALLOC Sainte Anne	MB	240A 95.9	49-40-00 96-40-00	3.5 183.6	202.9 -36.1	239 SHORT
PRESENT ALLOCATION - PROPOSED RESOLUTION VIA INTERNATIONAL NEGOTIATION						
K240CJ Oakes	LIC Oakes Community Christia ND BLFT-930723TB	240FT .050 95.9 30	46-05-15 98-05-47	206.5 25.6	217.6 17.57	200 CLEAR
ALLOC Pillager	MN	240A 95.9	46-14-59 94-26-33	133.4 315.2	254.2 54.25	200 CLEAR
SITE RESTRICTION 5.7 MI SE						
KBKK Pillager	CP DJ Broadcasting, nc. MN BPH-941121MD	240A 6 95.9 100	46-14-40 94-21-48	132.6 314.4	259.0 59.00	200 CLEAR
K240BC Little Falls	LIC Heartland Christian B/ca MN BLFT-840820MJ	240FT .018 95.9	45-59-28 94-20-28	136.5 318.3	280.5 80.54	200 CLEAR

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KQHT	LIC	Iowa City Broadcasting C	241C1	100	47-50-43	.0		177
Crookston		MN BLH-850913KA	96.1	126	96-50-22	.0	-177	SHORT
PRESENT ALLOCATION - PROPOSED DELETION								
KGPZ	LIC	Latto Northland Broadcas	241C1	100	47-19-31	100.9	274.5	177
Coleraine		MN BLH-950710KF	96.1	176	93-16-18	283.5	97.54	CLEAR
CKX-FM	LIC	Western Manitoba Broadca	241C	100	49-40-05	312.3	309.0	230
Brandon		MB	96.1	318	100-00-40	129.9	78.99	CLEAR
CKX-FM	CP	Western Manitoba Broadca	241C	89	49-40-05	312.3	309.0	230
Brandon		MB	96.1	350	100-00-40	129.9	78.99	CLEAR
KOCL	PROPOSED UPGRADED FROM 244A		242C3		47-10-27	204.7	82.05	76
Arthur		ND	96.3		97-17-33	24.3	6.05	CLOSE
PROPOSED SUBSTITUTION - REFERENCE COORDINATES								
KARP	LIC	Waite Park Broadcasting	242C2	29.5	44-44-37	150.5	392.9	79
Glencoe		MN BLH-961112KA	96.3	178	94-23-36	332.3	313.9	CLEAR
Fom channel 241C@								
KJJK-FM	LIC	Result Radio, Inc.	243C1	100	46-14-43	159.6	189.5	82
Fergus Falls		MN BLH-811103AE	96.5	171	95-58-46	340.2	107.5	CLEAR
ALLOC			293A		45-20-54	155.6	303.5	22
Sunburg		MN	106.5		95-14-12	336.8	281.5	CLEAR
Window opens 1/13/97 and closes 2/13/97; Granted eff 1/13/97								
KAUJ	CP	Two Rivers Broadcasting,	294C2	16	48-38-38	316.9	122.7	27
Walhalla		ND BMPH-971202IG	106.7	255	97-58-46	136.0	95.70	CLEAR

>> Endof channel 240C1 study <<

NOTE: Entries for **K240BI** and **K240AR** are FM translators.

Entry for Allocation at **SAINTE ANNE, MB** proposed to be resolved through international negotiations with Canadian Government.

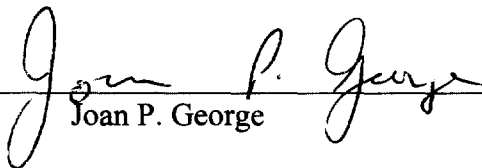
Entry for **KQHT** channel 241C1 to be deleted following substitution of channel 240C1 to KQHT at Crookston, Minnesota.

Entry for **KOCL** reflects upgrade from channel 244A to 242C3.

CERTIFICATE OF SERVICE

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, do hereby certify that a true copy of the foregoing *Petition for Rule Making* was sent this 10th day of September, 1998, via United States First Class Mail, prepaid, on the following:

Mr. Jeff Hoberg
General Manager
KQHT (FM)
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